

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**AMITE FOUNDRY AND MACHINE, INC.**

**AI # 2093**

**PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT  
LA. R.S. 30:2001, ET SEQ.**

\* **Settlement Tracking No.**  
\* **SA-AE-07-0035**  
\*  
\* **Enforcement Tracking No.**  
\* **AE-PP-07-0049**  
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**SETTLEMENT**

The following Settlement is hereby agreed to between Amite Foundry And Machine, Inc. ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

**I**

Respondent is a corporation who operates a steel foundry facility located at Amite, Tangipahoa Parish, Louisiana ("the Facility").

**II**

On May 29, 2007, the Department issued a Notice of Potential Penalty, Enforcement No. AE-PP-07-0049, to Respondent, which was based upon the following findings of fact:

On or about April 26, 2007, a file review of Amite Foundry and Machine, Inc. owned and/or operated by Amite Foundry and Machine, Inc. was performed to determine the degree of compliance with the Louisiana Environmental Quality Act and the Air Quality Regulations. The

facility is located at 13040 Foulks Lane in Amite, Tangipahoa Parish, Louisiana. The facility currently operates under Title V Permit No. 2840-00032-V1, issued on April 25, 2007.

The following violations were noted during the course of the file review:

- A. According to a letter from the Respondent dated March 30, 2007, the facility exceeded the permitted 20,000 tons per year of steel production limit. Additional information submitted via an email dated April 16, 2007, containing the facility's first quarter of 2007 steel production data showed that the facility exceeded the permitted 20,000 tons per year of steel production during January, February, and March 2007. According to State Only Specific Condition No. 2 of Title V Permit No. 2840-00032-V0, each exceedance of the maximum steel production limit for any twelve consecutive month period is a violation of Title V Permit No. 2840-00032-V0, LAC 33:III.501.C.4, and Section 2057(A)(2) of the Act.
- B. According to a letter from the Respondent dated March 30, 2007, the Respondent began installation of a new sand storage silo and transport system during November 2006. According to the Respondent's letter, one purpose of the new sand silo was to reduce employee exposure to particulate matter. On or about February 6, 2007, the Respondent began operation of the sand storage silo and transport system. The failure to submit a permit application and receive approval from the permitting authority prior to construction, modification, and/or operation of the facility, which ultimately may have resulted in an initiation or increase in emission of air contaminants is in violation of LAC 33:III.501.C.2, and Section 2057(A)(2) of the Act. The Respondent submitted a minor modification permit

application dated March 30, 2007, to include the new sand storage silo. In addition, according to the Respondent's March 30, 2007 letter, the Respondent voluntarily re-routed vents from the process back to the original emission point.

### III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

### IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00), of which Three Hundred Seventy-one and 29/100 Dollars (\$371.29) represents DEQ's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to DEQ as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

### V

Respondent further agrees that the Department may consider the inspection report(s), the Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

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<h2>Object moved to <a href="https://edms.deq.louisiana.gov/app/security/logon.aspx?key=b0835ecf-4f1c-4cf5-9184-7501d49c2e29&ref=http%3a%2f%2fedms.deq.louisiana.gov%2fapp%2fdoc%2fFnDocContent.aspx%3f1ib%3dDefaultIM8%253aLDEQ%253aFileNet%26doc%3d36870124%26page%3d5">here</a>.</h2>  
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Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

X

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XI

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his/her respective party, and to legally bind such party to its terms and conditions.

## AMITE FOUNDRY AND MACHINE, INC.

BY: Neil Sweet  
(Signature)

Neil Sweet  
(Print)

TITLE: Plant President

THUS DONE AND SIGNED in duplicate original before me this 24<sup>th</sup> day of  
OCTOBER, 20 07, at Amite, LA.

Melissa J. Baueles  
NOTARY PUBLIC (ID # 069467)

Melissa J. Baueles  
(Print)

LOUISIANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY

Harold Leggett, Ph.D., Secretary

BY: Peggy M. Hatch  
Peggy M. Hatch, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 19<sup>th</sup> day of  
May, 20 08, at Baton Rouge, Louisiana.

M. A.  
NOTARY PUBLIC (ID # 40539)  
T. H. Broyles, Jr.  
(Print)

Approved: Harold Leggett  
Harold Leggett, Ph.D., Assistant Secretary